

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

IVAN CALDWELL and IVAN	)	
CALDWELL LOGGING	)	
COMPANY, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO. 2:22-CV-480-WKW
	)	[WO]
JOHN DEERE CONSTRUCTION &	)	
FORESTRY COMPANY, INC., and	)	
FLINT EQUIPMENT COMPANY,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Ivan Caldwell was operating a John Deere feller buncher when it rolled over and caught fire. (Doc. # 1-2 at 4.) This is the resulting products liability action, which originated in the Circuit Court of Barbour County, Alabama. (Doc. # 1-2.) Defendants removed this action to the United States District Court for the Middle District of Alabama based on diversity jurisdiction. (Doc. # 1); *see* 28 U.S.C. §§ 1332(a), 1441(a). Plaintiffs countered with a motion to remand arguing that the amount in controversy does not exceed the jurisdictional amount. (Docs. # 8, 8-1 at 5–8.) Defendants now consent to remand based upon “express reliance” on the clarifying affidavit from Plaintiffs and their stipulation that they do not seek 28 U.S.C. § 1332(a)’s jurisdictional amount. (Docs. # 15 at 1, 15-1); *see Jones v. Deleon*, No. 2:21-CV-46-WKW, 2021 WL 1115279, at \*2 (M.D. Ala. Mar. 23,

2021) (remanding an action based upon a “post-removal stipulation clarif[ying] any ambiguity as to the monetary value of the lawsuit at the time of removal” (citing *Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 773 (11th Cir. 2010) (reaffirming that a court may consider post-removal evidence if it relates to the amount in controversy “at the time of the removal”))).

Based upon Defendants’ consent, it is ORDERED that Plaintiffs’ motion to remand (Doc. # 8) is GRANTED and that this action is REMANDED to the Circuit Court of Barbour County, Alabama.

The Clerk of the Court is DIRECTED to take all steps necessary to effectuate the remand.

DONE this 20th day of October, 2022.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE